

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA**

LISA LAMBERT)	
)	
)	
v.)	
)	Civil Action No. 96-247
)	Judge Sean J. McLaughlin
WILLIAM WOLFE; THE ESTATE OF)	Magistrate Judge Susan Paradise Baxter
KEITH BARLETT, JOHN RAUN;)	
JAMES EICHER; and VICTORIA)	
KORMANIC)	
)	
)	Electronically Filed

**LEAVE TO FILE DEFENDANTS WOLFE'S, ESTATE, RAUN'S, AND
KORMANIC'S REPLY TO PLAINTIFF'S STATEMENT OF MATERIAL
FACTS NUNC PRO TUNC**

AND NOW, come the Defendants, Wolfe, Bartlett's Estate, Raun, and Kormanik by their attorneys, Thomas W. Corbett, Jr., Attorney General, Robert A. Willig, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section and respectfully request that they be permitted to file a reply to Plaintiff's statement of material facts *nunc pro tunc* for the following reasons:

1. The above named Defendants filed their motion for summary judgment, brief in support thereof, and statement of material facts on October 26, 2006. The Plaintiff filed her brief in opposition to this motion, reply to the Defendants' statement of facts, and her own statement of material facts on December 15, 2006.

2. Local Rule 56.1 requires that the party moving for summary judgment has fifteen (15) days within which to respond to the non-moving party's submissions. Accordingly, any reply the Defendants wanted to make to Plaintiff's submissions should have been filed by December 30, 2006.

3. Due to an oversight on counsel's part, the Defendants did not file a reply to the Plaintiff's statement of material facts within the fifteen day time period. The Defendants apologize and respectfully submit that this omission was not meant to inconvenience this Court or the Plaintiff. There is no excuse other than it was an oversight on counsel's part due in part to a pressing caseload as well as to his numerous responsibilities with the U.S. Army Reserve.

4. The Defendants are filing their Reply to Plaintiff's Statement of Material Facts contemporaneously with this Petition.

WHEREFORE, it is respectfully requested that Leave to File the Defendants' Reply to Plaintiff's Statement of Material Facts *Nunc Pro Tunc* be granted and that this Court accept the contemporaneously filed Reply to Plaintiff's Statement of Material Facts *Nunc Pro Tunc*.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

BY: /s/ Robert A. Willig
ROBERT A. WILLIG
Senior Deputy Attorney General
PA I.D. No. 53581

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: February 7, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Leave to File Defendants' Reply to Plaintiff's Statement of Material Facts *Nunc Pro Tunc* was served upon the following by ECF this 7th day of February, 2007:

:
Angus Love
Sue Ming Yeh
Pennsylvania Institutional Law Project
718 Arch Street, Suite 304 South
Philadelphia, PA 19106

I hereby certify that a true and correct copy of the within Petition to File Defendants' Reply to Plaintiff's Statement of Material Facts *Nunc Pro Tunc* was served upon the following via first class mail this 7th day of February 2007:

James Eicher
209 McConnell Road
New Wilmington, PA 16142

/s/ Robert A. Willig
ROBERT A. WILLIG
Senior Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: February 7, 2007